HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION (M) NO.96 OF 2005.
IN
FAMILY COURT APPEAL NO. 23 OF 2005.

Shri. Hemant P. Rege. ..Applicant.

Versus.

Mrs. Sujata H. Rege. ..Respondent.

Smt. Seema Sarnaik for the applicant.

Mr. R.S.Apte with A.A.Garge for the respondent.

CORAM: S.B.MHASE &
D.B.BHOSALE, JJ.

DATE: APRIL 11, 2005.

P.C.

1. Heard both sides. Perused the application filed by the wife in Darkhast proceedings bearing No. 182 of 2004 in the Family Court. After the order was passed by this court on 17.3.2005, what we find is that the wife has rightly stated in paragraph Nos.4 & 5 of the said application in respect of the Lists which have been stayed by this court and which are not stayed by this court. Not only that, the specific prayer has been made in respect of the List Nos. 1 & 3 which are not stayed by this court, claiming delivery of those articles. Unfortunately, the Family Court which passed the order below Exhibit-15 on 17th March 2005 has misread the order of this Court and

passed an order otherwise. What is surprising that the court even not bothered to look into the application given by the wife who had made the prayers consistent with the High Court Order. What persuaded the trial court to pass an otherwise order than what the High Court had directed is not known. We only clarify at this stage that the wife is entitled to get the articles listed in List Nos. 1 & 3 only as described in Exhibit-15 in Darkhast Proceedings bearing No.182 of 2004. Ultimately, we find that the order dated 17.3.2005 passed by the Family court is otherwise than the order passed by this Court in Civil Application No. 154 of 2004. Therefore, the order passed by the Family Court, which is impugned in this appeal is hereby stayed. It is directed that the items which are listed in List Nos. 1 & 3 of Exhibit-15 be returned to the wife.

2. Civil Application is disposed of in the above terms.

(D.B.BHOSALE,J.) **(S.B.MHASE, J.)**

:srp/2005/